

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

May 17, 2010 – 7:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Carl Ford, Chairman
Chad Mitchell, Vice-Chairman
Jon Barber, Member
Raymond Coltrain, Member
Tina Hall, Member

County Manager Gary Page, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Ford convened the meeting at 7:00 pm.

Commissioner Barber provided the Invocation and also led the Pledge of Allegiance.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the minutes of the May 3, 2010 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

There were no additions to the agenda.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Barber stated that before the Board considered approval of the agenda, he would like to recuse himself from discussion of agenda item #5 (Discussion Regarding Juvenile Crime Prevention Council Funding Recommendations).

Commissioner Mitchell moved to recuse Commissioner Barber as requested.

Commissioner Hall questioned the reason for the recusal. Commissioner Barber stated the reason was the same as in April when he recused himself to avoid the appearance of a conflict of interest.

Upon being put to a vote, the motion passed unanimously.

Commissioner Mitchell moved, Commissioner Coltrain seconded and the vote to approve the agenda passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Mitchell moved approval of the Consent Agenda. The motion was seconded by Commissioner Coltrain and passed unanimously.

The Consent Agenda consisted of the following:

- A. Authorization for Rowan County Sheriff's Office to Apply for Bulletproof Vest Partnership Grant
- B. Set Public Hearing for June 7, 2010 for Change of Address Currently Identified as 3180 E NC 152 Hwy
- C. Ambulance Franchise Renewals
- D. Set Public Hearing for June 7, 2010 for Z 02-10
- E. Authorization to Post Advisory Board Minutes on County's Website

2. PUBLIC COMMENT PERIOD

Chairman Ford opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Rich Smith said he was the Juvenile Crime Prevention Council (JCPC) area consultant assigned by the Department of Juvenile Justice and Delinquency Prevention (DJJDP) to serve Rowan County. Mr. Smith said he was available to answer any questions the Board might have regarding the JCPC or funding recommendations for fiscal year 2010-11.
- Kecia Barnes stated she was the Chief Court Counselor for the DJJDP in Rowan County. Ms. Barnes highlighted data regarding the number of complaints from law enforcement for juveniles for the current and past fiscal year. Ms. Barnes discussed the process for referring juveniles to various programs and she urged the Board to approve the recommendations of the JCPC.

With no one else wishing to address the Board, Chairman Ford closed the Public Comment Period.

3. CONSIDER APPROVAL TO DONATE SURPLUS PROPERTY TO NON-PROFITS

County Manager Gary Page reported that there was surplus equipment stored in the warehouse and that staff was seeking Board approval to donate some or all of the equipment to local non-profit organizations prior to holding an auction. The items included desks, cubicles, filing cabinets, etc.

Mr. Page requested that staff be allowed to work with the non-profits before selling the items at a public auction. Mr. Page said the County would want to sell the fourteen (14) vehicles that were listed unless there was an unusual circumstance where a non-profit needed a vehicle.

Commissioner Coltrain agreed with trying to sell the vehicles; however, he asked if the County could contact the municipalities pertaining to their needs prior to contacting the non-profits. Ms. Page responded that the municipalities could be notified by email as to what was available.

Commissioner Mitchell moved approval of the request. The motion was seconded by Commissioner Coltrain.

Commissioner Hall asked how the County would prioritize the needs of the non-profits. Mr. Page said entities would be notified via email and that non-profits, such as Rowan Vocational Opportunities, etc. would receive priority consideration.

Upon being put to a vote, the motion on the floor passed unanimously.

4. DISCUSSION & VOTE PERTAINING TO COUNTY COMMISSIONERS' ROLE IN BUSINESS RECRUITMENT

Commissioner Hall referred to a recent request for written endorsement from a perspective new business in Rowan County. Commissioner Hall questioned whether the Board of Commissioners should reaffirm its long-standing support of the Economic Development Commission (EDC) in representing new business recruitment in Rowan County. Commissioner Hall said the question was the result of an email generated in March from a fellow Commissioner asking for a letter of support for a perspective new business. Commissioner Hall said she had emailed County Attorney Jay Dees for feedback with regards to the open meetings law. Commissioner Hall said Mr. Dees indicated his preference was for the Board to conduct business in the board room; however, Commissioners could individually send letters.

Commissioner Hall said she would like for the Board to reiterate two (2) issues - 1) it is the EDC that handles requests from business, and 2) the EDC is the agency to provide the Investment Grant Program information. Commissioner Hall said if a business followed through, the request for the investment grant would be considered by the Commissioners. Commissioner Hall said she did not

want new businesses receiving “mixed signals” to go to individual Commissioners for business recruitment. Commissioner Hall said the EDC spoke, in essence, for the County Commission.

Commissioner Hall moved 1) the EDC handles the written requests for potential new business, and 2) when the Investment Grant Program information is requested through the EDC, it then comes before the County Commission for consideration. Chairman Ford seconded the motion.

Commissioner Coltrain explained that he had received a request from Donald Rand, a private citizen, who was trying to bring development to Rowan County that would enhance the community with creation of jobs and an increase in the tax base. Commissioner Coltrain said Mr. Rand sought a letter of support from the Commissioners to share with potential investors for his “efforts only”.

Commissioner Coltrain said that he, as a County Commissioner, had the right to identify the activities he wished to support and the responsibility to support any citizen trying to enhance the quality of life in Rowan County, as long as the endeavors were not illegal, unethical, or immoral. Commissioner Coltrain said Mr. Rand had not asked for action by the Board.

Commissioner Coltrain read the email he had submitted to the Board and he also read the proposed letter of support that had been drafted for Mr. Rand. Commissioner Coltrain concluded by repeating that he would continue to support any citizen who wished to enhance the quality of life in Rowan County as long as the endeavors were not illegal, unethical, or immoral.

Commissioner Mitchell said he had no problem with the motion itself and that he did not feel there was anything wrong with a letter such as the one that had been proposed. Commissioner Mitchell said the situation might have gotten a “little murky” with the question for all board members to sign the letter. Commissioner Mitchell felt there was nothing wrong with board members signing the letter as individuals and that the motion, as it stood, did not prohibit board members from “doing something”.

Commissioner Mitchell said he would procedurally prefer to see these types of requests go through the chairman, or even through another commissioner, who could decide to write a letter. Commissioner Mitchell said he had not responded to the email in order to avoid the possibility of violating the open meetings law. Commissioner Mitchell said it was the prerogative of individual commissioners to support specific projects. Commissioner Mitchell said he was supportive of economic development efforts, whether through the EDC or whether an individual commissioner received a tip and shared the information with the EDC. Commissioner Mitchell said the County wanted to get the word out that it was open for business, particularly when the business brought in jobs. Commissioner Mitchell felt the motion did not hamper economic efforts.

Commissioner Barber said the motion did nothing more than reflect the Board's current process. Commissioner Barber did not have a problem with the motion but rather concern that the issue was an agenda item. Commissioner Barber felt other EDC's would tell perspective clients that Rowan County was not business friendly. Commissioner Barber said Rowan County was business friendly and open for business. Commissioner Barber said no individual commissioner could take action without board approval. Commissioner Barber said he did not want to prohibit an organization from feeling as though it could not approach a county commissioner pertaining to perspective opportunities for Rowan County. Commissioner Barber said he would have rather seen the Board spend time discussing what the County was going to do to improve EDC funding for 2011.

Chairman Ford said he had sent an email thanking Mr. Dees for clarification on the issue. Chairman Ford said that while he supported economic growth, he wanted all county business to be conducted "above board". Chairman Ford said the County was open to business and he wanted businesses to be able to approach him. Chairman Ford said the issue had been placed on the agenda due to the perception that the commissioners were holding illegal meetings.

Commissioner Coltrain asked if Chairman Ford was indicating that his actions had possibly been unethical or that he was trying to conduct business behind closed doors. Chairman Ford said yes, based on what he had been told and from what he had read in blogs. Chairman Ford said based on the information from the County Attorney, it was illegal to conduct meetings by way of email.

Commissioner Coltrain said the letter clearly indicated that commissioners were asked to sign the letter as individuals and not as an action of the Board. Commissioner Coltrain emphasized that he did not conduct business behind closed doors, that the bloggers were incorrect and he encouraged citizens to contact him any time they had questions regarding his actions.

Commissioner Hall took issue with the assertion that the Commissioners were not business friendly. Commissioner Hall said the issue was the Board wanted to be open-government friendly. Commissioner Hall read the email in the agenda packet from the County Attorney and said that ultimately economic development grant requests come before the Board of Commissioners.

Upon being put to a vote, the motion on the floor passed 4-1 with Commissioner Coltrain dissenting.

5. DISCUSSION REGARDING JUVENILE CRIME PREVENTION COUNCIL FUNDING RECOMMENDATIONS

Chairman Ford reminded the Board that Commissioner Barber had been recused from the discussion.

Commissioner Hall said the Juvenile Crime Prevention Council (JCPC) had presented its budget recommendations for the upcoming year and all but \$4,798 was allocated to Youth Services Bureau.

Commissioner Hall expressed appreciation for the work and volunteerism of the JCPC and she then read a list of the JCPC members.

Commissioner Hall highlighted the information in the agenda packets regarding the JCPC funding process in other counties.

Commissioner Hall moved to accept the JCPC board allocations as presented to the Rowan County Board of Commissioners. The motion was seconded by Commissioner Mitchell.

Commissioner Mitchell pointed out that eight (8) funding requests had been received with seven (7) of the programs recommended for approval. Commissioner Mitchell commented that if the eighth program had been approved, it would have required all of the available funding and he stressed that there were some programs the County did not want to lose.

Commissioner Mitchell referred to the Department of Juvenile Justice and Delinquency Prevention. Commissioner Mitchell noted that while the word "prevention" was part of the agency's name, the agency did not allow counties to focus on prevention but rather intervention. Commissioner Mitchell expressed hope that the state would change the requirements and allow more prevention in an effort to reduce the number of programs needed for intervention.

Commissioner Coltrain said the programs were funded by the state and not from Rowan County's budget.

Chairman Ford said he appreciated the work of the JCPC.

Upon being put to a vote, the motion on the floor passed unanimously (4-0).

6. DISCUSSION REGARDING DATES FOR BUDGET WORK SESSION(S) & PUBLIC HEARING FOR PROPOSED 2010-11 OPERATING BUDGET

Chairman Ford opened the floor for discussion regarding options for conducting budget work sessions, as well as for conducting the public hearing for the proposed 2010-11 operating budget.

By consensus, the Board agreed to conduct a budget work session on Wednesday, June 2, 2010 at 4:00 pm.

Commissioner Mitchell moved to set the public hearing for the budget on June 7, 2010 at 6:00 pm, to follow the regularly scheduled 4:00 pm meeting. The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Barber moved to hold a second work session, if necessary, on Monday June 14, 2010 at 4:00 pm. The motion was seconded by Commissioner Mitchell and passed unanimously.

Commissioner Barber moved to set June 21, 2010 as the date to consider adoption of the budget. The motion was seconded by Commissioner Coltrain.

After a brief discussion and upon being put to a vote, the motion on the floor passed unanimously.

7. REPORTS

The following reports were submitted for the Board's consideration:

- (a) County Manager's Monthly Activity Report

Commissioner Coltrain moved to accept the report as submitted. The motion was seconded by Commissioner Mitchell

In response to a query from Commissioner Hall, Mr. Page highlighted the information regarding the Airport. Mr. Page discussed the maintenance performed at the Airport and said there were recommendations in the proposed budget to address any concerns.

Upon being put to a vote, the motion on the floor passed unanimously.

8. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick submitted the following budget amendments for the Board's consideration:

- Finance – Budget estimated revenues and expenditures for third and fourth quarter (March and June 2010) ABC profit distributions to the municipalities. The County has received \$186,465.94 from the ABC Board through the first three quarters for fiscal year 2010 - \$65,000
- Finance – Match county budget with approved DOT budget (Add supplemental CTP grant funding for East Rowan Express) - \$10,101
- Finance – Budget additional Congestion and Mitigation Air Quality grant funds and expenditures - \$30,000
- Social Services - \$7,000

Commissioner Barber moved approval of the budget amendments as presented. The motion was seconded by Commissioner Mitchell.

Ms. Heidrick confirmed to Commissioner Hall that ABC distributions had improved in comparison to previous years.

Upon being put to a vote, the motion to approve the budget amendments as presented passed unanimously.

9. ADJOURNMENT

Commissioner Mitchell moved to adjourn at 7:52 pm. The motion was seconded by Commissioner Barber.

Commissioner Coltrain asked to share some information before the Board acted on the motion to adjourn.

Commissioner Coltrain recalled that during the March 22, 2010 Commission Meeting, Commissioner Hall had asked if he had been under the Hatch Act during his 2008 campaign. Commissioner Coltrain said he had responded that he did not work for the federal government and did not fall under the Hatch Act restrictions.

Commissioner Coltrain said a citizen had contacted the US Office of Special Counsel (Office) regarding a possible violation and he was in turn contacted by the Office on April 30, 2010. Commissioner Coltrain then read a letter from the Office, which was dated May 13, 2010. The letter was in response to an allegation that his 2008 candidacy in the partisan election for Commissioner of Rowan County may have been in violation of the Hatch Act.

Commissioner Coltrain read the letter in its entirety and stated that the Office had concluded his candidacy had not violated the Hatch Act and the file had been closed.

Commissioner Coltrain said he wished the citizen that had the concerns would have come to him and saved a lot of time. Commissioner Coltrain said he hoped the letter cleared any questions.

Upon being put to a vote, the motion to adjourn at 7:56 pm passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC, NCCCC
Clerk to the Board/Assistant to the County Manager